

SUBJECT: Submission of a Revision to the SIP for the State of Illinois for Incorporation by Reference

FROM: Regulation Management Staff, EPA

TO: Office of the Federal Register

Please add this document to the "Illinois Plan for Implementation of Air Pollution Control" file and tab it in the appropriate sequence.

Subpart-O-Illinois

1. Section 52.720 is amended by adding paragraph (c) (94) to read as follows:

52.720 Identification of Plan

* * * * *

(c) * * *

(94) On July 30, 1986, the State submitted particulate boiler rules intended to replace Rule 203(g) (1) which was vacated by the Courts. No action is taken on Section 212.209 because the variance which it authorized has expired. On July 22, 1988, the State submitted opacity rules intended to replace Rule 202(b) which had been vacated by the Courts. Also on July 22, 1988, the State submitted Illinois Pollution Control Board procedural rules for considering Air Adjusted Standard Procedures.

(i) Incorporation by reference.

(A) Title 35: Environmental Protection, Illinois Administrative Code,
Subtitle B: Air Pollution; Chapter 1: Pollution Control Board; Part
212 Visible and Particulate Matter Emissions; Subpart E: Particulate
Matter Emissions from Fuel Combustion Emission Sources; Sections
212.201, 212.202, 212.203 and 212.204. Amended or added at
10 Ill Reg. 12637, effective July 9, 1986.

(B) Title 35: Environmental Protection, Illinois Administrative Code,
Subtitle B: Air Pollution; Chapter 1: Pollution Control Board; Part
212 Visible and Particulate Matter Emissions; Subpart B: Visible
Emissions. Amended or added at 12 Ill. Reg 12492, effective July 13,
1988.

(C) Title 35: Environmental Protection, Illinois Administrative Code;
Subtitle A: General Provisions; Chapter 1: Pollution Control Board;
Part 106: Hearings Pursuant to Specific Rules; Subpart E: Air
Adjusted Standards Procedures. Added at 12 Ill. Reg 12484, effective
July 13, 1988.



Illinois
Environmental
Protection Agency

2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

Chapter I: POLLUTION CONTROL BOARD

State of Illinois



Rules and Regulations

Section 212.124 Exceptions

- a) Startup, Malfunction and Breakdown. Sections 212.122 and 212.123 shall apply during times of startup, malfunction and breakdown except as provided in the operating permit granted in accordance with 35 Ill. Adm. Code 201.
- b) Emissions of water and water vapor. Sections 212.122 and 212.123 shall not apply to emissions of water or water vapor from an emission source.
- c) Adjusted standards. An emission source which has obtained an adjusted opacity standard pursuant to Section 212.126 shall be subject to that standard rather than the limitations of Section 212.122 or 212.123.
- d) Compliance with the particulate regulations of this Part shall constitute a defense.

SUBPART B: VISIBLE EMISSIONS

Section 212.121 Opacity Standards

For the purposes of this Subpart, all visible emission opacity standards and limitations shall be considered equivalent to corresponding Ringelmann Chart readings, as described under the definition of opacity (35 Ill. Adm. Code 211.122).

(Source: Amended at 12 Ill. Reg. 12492, effective July 13, 1988)

Section 212.122 Limitations for Certain New Sources

- a) New Fuel Combustion Emission Sources with Actual Heat Input Greater than 250 mmbtu/hr. No person shall cause or allow the emission of smoke or other particulate matter into the atmosphere from any new fuel combustion emission source with actual heat input greater than 73.2 MW (250 mmbtu/hr), having an opacity greater than 20 percent.

- b) Exception: The emissions of smoke or other particulate matter from any such emission source may have an opacity greater than 20 percent but not greater than 40 percent for a period or periods aggregating 3 minutes in any 60 minute period, providing that such more opaque emission permitted during any 60 minute period shall occur from only one such emission source located within a 305 m (1000 ft) radius from the center point of any other such emission source owned or operated by such person and provided further that such more opaque emissions permitted from each such fuel combustion emission source shall be limited to 3 times in any 24 hour period.

Section 212.123 Limitations for All Other Sources

- a) No person shall cause or allow the emission of smoke or other particulate matter, with an opacity greater than 30 percent, into the atmosphere from any emission source other than those sources subject to Section 212.122.
- b) Exception: The emission of smoke or other particulate matter from any such emission source may have an opacity greater than 30 percent but not greater than 60 percent for a period or periods aggregating 8 minutes in any 60 minute period provided that such more opaque emissions permitted during any 60 minute period shall occur from only one such emission source located within a 305 m (1000 ft) radius from the center point of any other such emission source owned or operated by such person, and provided further that such more opaque emissions permitted from each such emission source shall be limited to 3 times in any 24 hour period.

(Source: Amended at 12 Ill. Reg. 12492, effective July 13, 1988)

- 1) For all emission sources which are not subject to Chapters 111 or 112 of the Clean Air Act (42 U.S.C.A. 7401 et seq.) and Sections 212.201, 212.202, 212.203 or 212.204 but which are subject to Sections 212.122 or 212.123:

The opacity limitations of Sections 212.122 and 212.123 shall not apply if it is shown that the emission source was, at the time of such emission, in compliance with the applicable particulate emissions limitations of Subparts D-T of this Part.

- 2) For all emission sources which are not subject to Chapters 111 or 112 of the Clean Air Act but which are subject to Sections 212.201, 212.202, 212.203 or 212.204 and either Section 212.122 or 212.123:

- A) An exceedance of the limitations of Section 212.122 or 212.123 shall constitute a violation of the applicable particulate limitations of Subparts D-T of this Part. It shall be a defense to a violation of the applicable particulate limitations if, during a subsequent performance test conducted within a reasonable time not to exceed 60 days, under the same operating conditions for the source and the control device(s), and in accordance with Method 5, 40 CFR 60, incorporated by reference in Section 212.113, the owner or operator shows that the source is in compliance with the particulate emission limitations.

- B) It shall be a defense to an exceedance of the opacity limit if, during a subsequent performance test conducted within a reasonable time not to exceed 60 days, under the same operating conditions of the source and the control device(s), and in accordance with Method 5, 40 CFR 60, Appendix A, incorporated by reference in Section 212.113, the owner or operator shows that the source is in compliance with the allowable particulate emissions limitation while, simultaneously, having visible emissions equal to or greater than the opacity exceedance as originally observed.

(Source: Amended at 12 Ill. Reg. 12492, effective July 13, 1988)

Section 212.125 Determination of Violations

Violations of Sections 212.122 and 212.123 shall be determined:

- a) By visual observations; or
- b) By the use of a calibrated smoke evaluation device approved by the Agency as specified in Subpart J of 35 Ill. Adm. Code 201; or
- c) By the use of a smoke monitor located in the stack and approved by the Agency as specified in Subpart J of 35 Ill. Adm. Code 201.

Section 212.126 Adjusted Opacity Standards Procedures

- a) Pursuant to Section 28.1 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1987 ch. 111 1/2 para. 1028.1), and in accordance with 35 Ill. Adm. Code 106 Subpart E, adjusted visible emissions standards for emission sources subject to Sections 212.201, 212.202, 212.203, or 212.204 and either Section 212.122 or 212.123 shall be granted by the Board to the extent consistent with federal law based upon a demonstration by such a source that the results of a performance test conducted pursuant to this Section, Section 212.110, and Methods 5 and 9 of 40 CFR 60, Appendix A, incorporated by reference in Section 212.113, show that the source meets the applicable particulate emission limitations at the same time that the visible emissions exceed the otherwise applicable standards of Sections 212.121-212.125. Such adjusted opacity limitations:
 - 1) Shall be specified as a condition in operating permits issued pursuant to 35 Ill. Adm. Code 201;
 - 2) Shall substitute for that limitation otherwise applicable;
 - 3) Shall not allow an opacity greater than 60 percent at any time; and
 - 4) Shall allow opacity for one six-minute averaging period in any 60 minute period to exceed the adjusted opacity standard.
- b) For the purpose of establishing an adjusted opacity standard, any owner or operator of an emission source which meets the requirements of subsection (a), above, may request the Agency to determine the average opacity of the emissions from the emission source during any performance test(s) conducted pursuant to Section 212.110 and Methods 5 and 9 of 40 CFR 60, Appendix A, incorporated by reference in Section 212.113. The Agency shall refuse to accept the results of emissions tests if not conducted pursuant to this Section.
- c) Any request for the determination of the average opacity of emissions shall be made in writing, shall include the time and place of the performance test and test specifications and procedures, and shall be submitted to the Agency at least thirty days before the proposed test date.
- d) The Agency will advise the owner or operator of an emission source which has requested an opacity determination of any deficiencies in the proposed test specifications and procedures as expeditiously as practicable but no later than 10 days prior to the proposed test date so as to minimize any disruption of the proposed testing schedule.
- e) The owner or operator shall allow Agency personnel to be present during the performance test.
- f) The method for determining an adjusted opacity standard is as follows:
 - 1) A minimum of 60 consecutive minutes of opacity readings obtained in accordance with USEPA Test Method 9, 40 CFR 60, Appendix A, incorporated by reference in Section 212.113, shall be taken during each sampling run. Therefore, for each performance test (which normally consists of three sampling runs), a total of three sets of opacity readings totaling three hours or more shall be obtained. Concurrently, the particulate emissions data from three sampling runs obtained in accordance with USEPA Test Method 5, 40 CFR 60, Appendix A, incorporated by reference in Section 212.113, shall also be obtained.
 - 2) After the results of the performance tests are received from the emission source, the status of compliance with the applicable particulate emissions limitation shall be determined by the Agency. In accordance with USEPA Test Method 5, 40 CFR 60, Appendix A, incorporated by reference in Section 212.113, the average of the results of the three sampling runs must be less than the allowable particulate emission rate in order for the source to be considered in compliance. If compliance is demonstrated, then only those test runs with results which are less than the allowable particulate emission rate shall be considered as acceptable test runs for the purpose of establishing an adjusted opacity standard.
 - 3) The opacity readings for each acceptable sampling run shall be divided into sets of 24 consecutive readings. The 6-minute average opacity for each set shall be determined by dividing the sum of the 24 readings within each set by 24.
 - 4) The second highest six-minute average opacity obtained in (f)(3) above shall be selected as the adjusted opacity standard.
- g) The owner or operator shall submit a written report of the results of the performance test to the Agency at least 30 days prior to filing a petition for an adjusted standard with the Board.
- h) If, upon review of such owner's or operator's written report of the results of the performance test(s), the Agency determines that the emission source is in compliance with all applicable emission limitations for which the performance tests were conducted, but fails to comply with the requirements of Section 212.122 or 212.123, the Agency shall notify the owner or operator as expeditiously as practicable, but no later than 20 days after receiving the written report of any deficiencies in the results of the performance tests.
- i) The owner or operator may petition the Board for an adjusted visible emission standard pursuant to 35 Ill. Adm. Code 106 Subpart E. In addition to the requirements of 35 Ill. Adm. Code 106 Subpart E the petition shall include the following information:
 - 1) A description of the business or activity of the petitioner, including its location and relevant pollution control equipment;

- 2) The quantity and type of materials discharged from the source or control equipment for which the adjusted standard is requested;
 - 3) A copy of any correspondence between the petitioner and the Agency regarding the performance test(s) which form the basis of the adjusted standard request;
 - 4) A copy of the written report submitted to the Agency pursuant to subsection (g) above;
 - 5) A statement that the performance test(s) were conducted in accordance with this Section and the conditions and procedures accepted by the Agency pursuant to Section 212.110;
 - 6) A statement regarding the specific limitation requested; and
 - 7) A statement as to whether the Agency has sent notice of deficiencies in the results of the performance test pursuant to subsection (h) above and a copy of said notice.
- j) In order to qualify for an adjusted standard the owner or operator must justify as follows:
- 1) That the performance test(s) were conducted in accordance with USEPA Test Methods 5 and 9, 40 CFR 60, Appendix A, incorporated by reference in Section 212.113, and the conditions and procedures accepted by the Agency pursuant to Section 212.110;
 - 2) That the emission source and associated air pollution control equipment were operated and maintained in a manner so as to minimize the opacity of the emissions during the performance test(s); and
 - 3) That the proposed adjusted opacity standard was determined in accordance with subsection (f).
- k) Nothing in this Section shall prevent any person from initiating or participating in a rulemaking, variance, or permit appeal proceeding before the Board.

(Source: Added at 12 Ill. Reg. 12492, effective July 13, 1988)

Section 212.202 Existing Sources Using Solid Fuel Exclusively Located Outside the Chicago Area

No person shall cause or allow the emission of particulate matter into the atmosphere from any existing fuel combustion source using solid fuel exclusively, which is located outside the Chicago major metropolitan area, to exceed the limitations specified in the table below and Illustration A in any one hour period except as provided in Section 212.203.

<u>METRIC UNITS</u>	
<u>H (Range)</u> <u>Megawatts</u>	<u>S</u> <u>Kilograms per</u> <u>megawatt</u>
Less than or equal to 2.93	1.55
Greater than 2.93 but smaller than 73.2	$3.33H - 0.715$
Greater than or equal to 73.2	0.155

<u>ENGLISH UNITS</u>	
<u>H (Range)</u> <u>Million Btu per hour</u>	<u>S</u> <u>Pounds per</u> <u>million Btu</u>
Less than or equal to 10	1.0
Greater than 10 but smaller than 250	$5.18H - 0.715$
Greater than or equal to 250	0.10,1

where:

S = Allowable emission standard in lbs/MBtu/hr or kg/MW of actual heat input, and
H = Actual heat input in million Btu per hour or megawatts

(Source: Amended at 10 Ill. Reg. 12637, effective July 9, 1986)

Section 212.203 Existing Controlled Sources Using Solid Fuel Exclusively

Notwithstanding Sections 212.201 and 212.202, any existing fuel combustion source using solid fuel exclusively may, in any one hour period, emit up to, but not exceed 0.31 kg/MW-hr (0.2 lbs/MBtu), if, as of April 14, 1972, any one of the following conditions was met:

- The emission source had an hourly emission rate based on original design or equipment performance test conditions, whichever is stricter, which was less than 0.31 kg/MW-hr (0.20 lbs/MBtu) of actual heat input, and the emission control of such source is not allowed to degrade more than 0.077 kg/MW-hr (0.05 lbs/MBtu) from such original design or acceptance performance test conditions; or,
- The source was in full compliance with the terms and conditions of a variance granted by the Pollution Control Board (Board) sufficient to achieve an hourly emission rate less than 0.31 kg/MW-hr (0.20 lbs/MBtu), and construction has commenced on equipment or modifications prescribed under that program; and emission control of such source is not allowed to degrade more than 0.077 kg/MW-hr (0.05 lbs/MBtu) from original design or equipment performance test conditions, whichever is stricter.

SUBPART E: PARTICULATE MATTER EMISSIONS FROM FUEL COMBUSTION EMISSION SOURCES

Section 212.201 Existing Sources Using Solid Fuel Exclusively Located in the Chicago Area

No person shall cause or allow the emission of particulate matter into the atmosphere from any existing fuel combustion source using solid fuel exclusively, located in the Chicago Major Metropolitan Area, to exceed 0.15 kg of particulate matter per MW-hr of actual heat input in any one hour period (0.1 lbs/MBtu/hr) except as provided in Section 212.203.

(Source: Amended at 10 Ill. Reg. 12637, effective July 9, 1986)

c) The emission source had an hourly rate based on original design or equipment performance test conditions, whichever is stricter, which was less than 0.31 kg/MW-hr (0.20 lbs/MBtu) of actual heat input, and the emission control of such source is not allowed to degrade more than 0.077 kg/MW-hr (0.05 lbs/MBtu) from that rate demonstrated by the most recent stack test, submitted to and accepted by the Agency prior to April 1, 1985, provided that:

- 1) Owners and operators of sources subject to this subsection shall apply for a new operating permit within 180 days of the effective date of this section; and
- 2) The application for a new operating permit shall include a demonstration that the proposed emission rate, if greater than the emission rate allowed by subsections (a) or (b) of this section, will not under any foreseeable operating conditions and potential meteorological conditions cause or contribute to a violation of any applicable primary or secondary ambient air quality standard for particulate matter, or violate any applicable prevention of significant deterioration (PSD) increment, or violate 35 Ill. Adm. Code 201.141.

(Source: Amended at 10 Ill. Reg. 12637, effective July 9, 1986)

Section 212.204 New Sources Using Solid Fuel Exclusively

No person shall cause or allow the emission of particulate matter into the atmosphere from any new fuel combustion emission source using solid fuel exclusively to exceed 0.15 kg of particulate matter per MW-hr of actual heat input (0.1 lbs/MBtu) in any one hour period.

(Source: Amended at 10 Ill. Reg. 12637, effective July 9, 1986)



Illinois
Environmental
Protection Agency

2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE A: GENERAL PROVISIONS

Chapter I: POLLUTION CONTROL BOARD

State of Illinois



Rules and Regulations

basis of the adjusted standard, consistent with the level of justification contained in the regulation of general applicability:

- 3) The nature of the petitioner's operations and control equipment; and
- 4) Any additional information which may be required in the regulation of general applicability.

(Source: Added at 12 Ill. Reg. 12484, effective July 13, 1988)

Section 106.505 Response and Reply

- a) Within 45 days after the filing of a petition, the Agency shall file a response to any petition in which it has not joined as a co-petitioner. This response shall include the Agency's recommendations concerning the Board's proposed action on the petition.
- b) The petitioner may file a reply within 14 days after the filing of any Agency response.

(Source: Added at 12 Ill. Reg. 12484, effective July 13, 1988)

Section 106.506 Notice and Conduct of Hearing

- a) The Board will hold at least one public hearing prior to granting an adjusted standard.
- b) The hearing officer will schedule the hearing. The Clerk will give notice of hearing in accordance with 35 Ill. Adm. Code 102.162.
- c) The proceedings will be in accordance with 35 Ill. Adm. Code 102.Subpart J.

(Source: Amended at 14 Ill. Reg. 9442, effective June 5, 1990)

Section 106.507 Opinions and Orders

- a) The Board will adopt an order and opinion stating the facts and reasons leading to the final Board determination, consistent with any considerations which may be specified in the regulation of general applicability or Section 27(a) of the Act.
- b) The Board will issue such other orders as the Board deems appropriate, including, but not limited to, accepting or rejecting the petition, requiring the submission of further information or directing that further hearings be held.
- c) SUCH BOARD ORDERS AND OPINIONS WILL BE MAINTAINED FOR PUBLIC INSPECTION BY THE CLERK OF THE BOARD AND A LISTING OF ALL DETERMINATIONS MADE PURSUANT TO THIS SUBPART WILL BE PUBLISHED IN THE ILLINOIS REGISTER AND THE ENVIRONMENTAL REGISTER AT THE END OF EACH FISCAL YEAR. (Section 28.1 of the Act).
- d) A FINAL BOARD DETERMINATION MADE UNDER THIS SUBPART MAY BE APPEALED PURSUANT TO SECTION 41 OF THE ACT. (Section 28.1 of the Act).

(Source: Added at 12 Ill. Reg. 12484, effective July 13, 1988)

SUBPART E: AIR ADJUSTED STANDARD PROCEDURES

Section 106.501 Scope and Applicability

This Subpart applies only whenever an adjusted standard, as provided in Section 28.1 of the Environmental Protection Act (Act), is sought pursuant to 35 Ill. Adm. Code 212.126.

(Source: Added at 12 Ill. Reg. 12484, effective July 13, 1988)

Section 106.502 Joint or Single Petition

A person may initiate an adjusted standard proceeding either by filing a petition jointly with the Illinois Environmental Protection Agency (Agency), or by filing a petition singly.

(Source: Added at 12 Ill. Reg. 12484, effective July 13, 1988)

Section 106.503 Request to Agency to Join As Co-Petitioner

- a) The Agency may, in its discretion, act as a co-petitioner in any adjusted standard proceeding.
- b) Any person may request Agency assistance in initiating a petition for adjusted standard. The Agency may require the person to submit to the Agency any background information in the person's possession relevant to the adjusted standard which is sought. The Agency shall promptly notify the person in writing of its determination either to join as a co-petitioner, or to decline to join as a co-petitioner. If the Agency declines to join as a co-petitioner, the Agency shall state the basis for this decision.
- c) Discretionary decisions made by the Agency pursuant to this Section are not appealable to the Board.

(Source: Added at 12 Ill. Reg. 12484, effective July 13, 1988)

Section 106.504 Contents of Petition

- a) The petitioner shall file ten copies of the petition for adjusted standard with the Clerk of the Pollution Control Board (Board), and shall serve one copy upon the Agency.
- b) The petition shall contain the following information:
 - 1) Identification of the regulation of general applicability for which an adjusted standard is sought;
 - 2) A written statement, signed by the petitioner, or an authorized representative, outlining the scope of the evaluation, the nature of, the reasons for and the